



Caldon & Uttoxeter Canals Trust

Registered Charity No. 1156812

www.cuct.org.uk

From / Please reply to:

Julie Arnold
Vice Chairman
Caldon & Uttoxeter Canals Trust
info@cuct.org.uk

Planning Department
Staffordshire Moorlands District Council
Sent by email to: planning@staffsmoorlands.gov.uk

28 October 2021

Dear Sirs

SMD/2021/0537 - Land at Barnfields Industrial Estate, Sunnyhills Road, Leek, Staffordshire, ST13 5RJ: Variation of conditions 4 & 13 and Removal of Conditions 10 & 19 of Planning Permission SMD/2014/0750

The Caldon & Uttoxeter Canals Trust is a Charitable Incorporated Organisation with the objectives to restore, preserve, maintain in good order and improve the existing Caldon Canal and all former arms of the Caldon Canal including the branch known as the Uttoxeter Canal for the use and benefit of the public. It came to being as a charity working to deliver the restoration on the Caldon Canal which was achieved, in partnership with others, in 1974. It is a member and delivery organisation within the Churnet Valley Living Landscape Partnership.

The Caldon & Uttoxeter Canals Trust (CUCT) **OBJECTS** to planning application SMD/2021/0537 which includes removal of waterway-related obligations on the developer of this land in the "Cornhill" area of Leek, and variations that do not consider these waterway-related obligations.

The response of the Senior Regeneration Officer of Staffordshire Moorlands District Council to SMD/2021/0537 is: "The application is to delete and vary four conditions that are attached to the outline planning permission for the Cornhill Regeneration Project (ref. SMD/2014/0750); and **should be seen in combination with** a reserved matters application submitted pursuant to outline permission ref. SMD/2014/0750.

CUCT will respond separately to the Casey Group's reserved matters application SMD/2021/0536, for approval of appearance, landscaping, layout, and scale to provide: [development at the site including] including a marina / basin and associated boating facilities with 13 berths.

First, CUCT wishes to reiterate the reasons for objection to planning application SMD/2021/0537 for the removal and variation of conditions, and thus illustrate why due consideration should be given to these reasons for retaining conditions when deciding the applications separately and/or together.

Planning Permission SMD/2014/0750 includes

- An 106 agreement clause for the "Development delivery linkage for the Marina basin and connection to the Caldon Canal"

- Areas for tourism and leisure uses “including a marina / basin and associated boating facilities (up to 20 berths)”.
- Condition 10 . No development except for works of site clearance and demolition shall take place until **a structural review and construction methodology has been submitted to and approved in writing by the Local Planning Authority demonstrating the feasibility and method of constructing the link from the proposed marina via the aqueduct to the Caldon Canal.** The development shall be carried out in accordance with the approved details. Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.
- Condition 19 Development of the marina (apart from works of site clearance / demolition) shall not commence until **a detailed scheme has been submitted to and approved in writing by the Local Planning Authority for the design proposals for the marina, including the location and layout of moorings, access, materials and buildings for all ancillary features as appropriate. The development thereafter shall only be carried out as approved.** Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

Application (SMD/2021/0537) seeks to remove the planning conditions regarding the obligation placed on the developer to construct a marina /basin and connect it to the Caldon Canal, stating that it is **not feasible or viable for The Casey Group to commit to fulfilling this obligation....**[they intend] to submit an updated **financial viability** appraisal and proposed variation shortly.

It is known that a “New Marina Application” was submitted to the navigation authority for the Caldon Canal, the Canal & River Trust (CRT), and that this application has been allowed to lapse. Such an application falls under the remit of the business /trade department of CRT and thus could be considered to be for a **commercial mooring marina**.

CUCT would like to reiterate that, in November 2014 at the planning committee meeting for SMD/2014/0750 I spoke on behalf of the CUCT and the Inland Waterways Association, saying that the organisations must object to the outline plans that indicated a marina because **“New waterspace of the size currently indicated is unlikely to be commercially viable as a private marina. However, a length of waterway with a market town-style, turning and moorings / basin would add greater amenity use for all... it could add value to more aspects of the development than a marina pool in isolation at one end of the site.”** I went on to describe how our “Leek Waterside” vision of *accessible-to all* waterspace could be used in a variety of ways for public amenity and accessibility, tourism, well-being, sustainable transport and increasing the green-blue environment and the connectivity of Leek to both its Caldon Canal and River Churnet watersides, as well as adding value to properties with waterside locations and views.

It is also understood [from the Casey Group applications letter] that “the Council is seeking to access Government funding in order to deliver the marina basin as part of a wider package of potential projects in Staffordshire Moorlands.”

When the planning committee considers the planning application(s) we urge it to consider the need for conditions in the light of needing to plan for not a commercially-operated mooring marina but a mooring basin that is also part of the site’s public realm, has agreed connectivity with the Caldon Canal and is accessible to the public and boaters of all types. *Thus this will also need to allow for working in partnership with Canal and River Trust where we would propose the site be introduced via the Enterprise team as an improvement to the Caldon Canal and the creation of a destination that*

can be developed to be sustainable and contribute to wider well-being - rather than be submitted for a commercial agreement.

Howsoever it is proposed to deliver the “marina”/ basin, we believe conditions should be retained such that the developer is obligated to contribute to its detailed planning and thus a waterspace that is feasible of physical delivery. This includes contribution to key elements that must be undertaken **before** appearance, landscaping, layout, and scale for the site and space allocations can be agreed, such as:

- Design of the development to deliver linkage for a basin and connection to the Caldon Canal”
- Consideration of the connectivity of the areas for tourism and leisure uses “including a basin and associated boating facilities (up to 20 berths)”.
- A structural review and construction methodology, to be approved in writing by the Local Planning Authority and the Caldon Canal navigation authority Canal & River Trust, demonstrating the feasibility and method of constructing the link from the proposed basin via the aqueduct to the Caldon Canal.
- A detailed scheme, to be approved in writing by the Local Planning Authority and the Caldon Canal navigation authority Canal & River Trust, for the design proposals for the basin, including the location and layout of moorings, access, materials and buildings for all ancillary features as appropriate. The development thereafter shall only be carried out as approved.

CUCT would suggest the contribution could be financial to support delivery of such details by others (for instance CRT and expert planners of such schemes) in order to lay the foundations of a partnership approach to deliver waterspace in the way that the Council might seek.

Variation of conditions 4 & 13: Objection information

The Casey Groups states: Secondly, **a series of minor amendments need to be made to the access arrangements** that were approved as part of the outline planning permission to take account of design development, whilst also providing for more flexibility in the delivery of the scheme.

To support this application for variation the “Transport Statement and Report” draws a conclusion that the “proposed development is ...acceptable in highway terms” citing that the site layout can accommodate a refuse vehicle and fire and rescue service vehicles. However, **the site layout included in this Report does NOT include the layout of any new waterspace for “mooringsand buildings for ancillary features” (e.g. refuse amenities for Visiting Boats) as required of Planning Permission SMD/2014/0750.**

Therefore these Transport conclusions cannot have given any consideration about any secondary access(es) [condition 4] required by the new waterspace plus the connection to the Caldon Canal which may need access by refuse and service (maintenance) vehicles etc.

Yours sincerely

Julie Arnold

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Vice Chairman
Caldon & Uttoxeter Canals Trust